

POLICY

Youth in DHS residential juvenile justice facilities are isolated or confined to protect the youth's health, when and for as long as the behavior of a youth is physically out of control and a serious threat to the youth or others, or when lesser sanctions are unsuccessful or insufficient to change behavior.

DHS prohibits the use of corporal punishment as a means of disciplining a youth in its facilities.

In cases where dual wards (delinquent wards with an open foster care case) are subjected to corporal punishment, isolated, or confined, the additional requirements in FOM 722-2A, Corporal Punishment and Seclusion/Isolation, must be followed. Isolation or confinement of pure delinquent wards must follow the policy below.

PURPOSE

This policy ensures that the rights of youth are protected from the inappropriate use or extended duration of isolation and/or confinement, thus protecting the health and safety of youths, staff and visitors.

DEFINITIONS

See JRG, JJ Residential Glossary.

**RESPONSIBLE
STAFF**

Designated in the facility standard operating procedure.

PROCEDURE

Each facility is required to develop and implement standard operating procedures (SOPs) relative to the use of isolation and/or confinement. At a minimum, these SOPs must contain the following requirements:

**Guidelines for
the use of
Isolation and/or
Confinement**

Confinement may only be used:

- At the direction of a licensed medical professional or the facility/center director or designee for medical purposes.
- Upon the request of a youth with approval of a supervisor for a period of thirty (30) minutes or less.

Note: Confinement may not be used for youth placed on the highest risk level for suicide watch.

Isolation may only be used:

- For the purposes listed under confinement above, or when the youth's behavior is out of control.
- To protect the safety of the youth, other youths, staff and/or visitors.
- For a total of seventy-two (72) consecutive hours including any period of confinement if the isolation is due to the youth's culpability for a major offense.

Note: Isolation may not be used for youths placed on the highest risk level for suicide watch.

Approval Requirements

Mandates hourly approval and reason(s) for extended use by a manager or supervisor for isolation and/or confinement exceeding two (2) hours.

Requires an administrative review by a supervisor above the level of the manager or supervisor who approved the extended use for each isolation and/or confinement exceeding three (3) hours.

Requires approval by facility/center director or designee for isolation and/or confinement exceeding twenty-four (24) hours.

Requires due process hearing (See JR6 631) for isolation and/or confinement exceeding twenty-four (24) hours.

Limits the maximum time allowed for one isolation and/or confinement to three (3) consecutive twenty-four (24) hour periods.

Requires notification and approval of facility/center director and the director of the BJJ residential facilities division for isolation and/or confinement exceeding seventy-two (72) hours.

**Monitoring
Requirements**

Mandates room checks including visual contact and log entries at a minimum of fifteen (15) minute intervals. The fifteen (15) minute observations should be staggered.

Note: More frequent room checks may be required for a youth considered a danger to self or youth on levels of suicide watch.

Note: Video monitoring of youths does not replace regular staff visual observation of youth in isolation and/or confinement.

Mandates completion of an IR for each incident involving the use of isolation and/or confinement.

**Behavior
Management
Room (BMR)
Requirements**

BMR is authorized by the OCAL.

BMR has operable two-way monitoring devices.

BMR has only one youth isolated and/or confined at one time.

**Youth's Rights
during Isolation
and/or
Confinement**

Isolation and/or confinement extends for the minimum duration necessary.

Release from isolation and/or confinement occurs when the youth has demonstrated self-control.

Requires due process hearing if youth is isolated and/or confined for twenty-four hours (24) or more.

Maintains access to education, family visits, religious activities and large muscle exercise to the extent that the safety and security of the youth, staff and visitors is not compromised.

Maintains access to medical and behavioral health professionals as needed.

Receives meals consistent with the planned menu.

**Release
Requirements**

Staff will:

- Release youth from a BMR as soon as the youth regains self-control.
- Process with the youth the events that led to the use of the BMR.
- Coordinate return of the youth to standard treatment programming.

Following release from a BMR, the youth may file a grievance.

AUTHORITY

Social Welfare Act, MCL 400.115a(1)(l)

Child Caring Institutions Rules, R400.4137, R400.4150, R400.4152